

That this act shall not be so construed as to affect any right of location or entry, pre-emption right, or survey heretofore acquired in the district of country reserved and set apart for the use of said road; and that this act take effect from and after its passage; adopted.

The bill then passed by the following vote:

YEAS—Messrs. Allen, Armstrong, Burks, Doane, Durst, Edwards, Gage, Guinn, Hart, Holland, Jowers, Keenan, Kyle, Lott, Martin, Millican, Newman, Paschal, Pedigo, Scott, Sublett, Superviele, Taylor, Weatherford and Whitaker—25.

NAYS—Messrs. McAnelly, Potter, Scarborough and Wren—4.
A bill concerning certain headright grants of land, lying on the boundary line of Robertson's Colony and Austin's Little Colony; read third time and passed.

On motion of Mr. Sublett, the Senate adjourned until to-morrow morning at 10 o'clock.

FRIDAY, December 9, 1853.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

On motion of Mr. Gage, members absent on yesterday were allowed to record their votes on the Pacific Railroad Bill; whereupon Messrs. Holland, Durst and Allen recorded their votes with the yeas on said bill.

On motion of Mr. Millican, Mr. Sublett was excused from his seat in the Senate on account of indisposition.

Mr. Newman presented the petition of Daniel Merrill Case, and his wife, Permella Case, asking for the passage of a special act declaring William Larkin their legitimate heir; referred to the committee on the Judiciary.

Mr. Hart, chairman of the committee on Private Land Claims, to whom was referred a bill for the relief of America Elkins, reported the same back to the Senate and recommended its passage.

Mr. Guinn, from the committee on Engrossed Bills, reported the following bills correctly engrossed:

A bill to incorporate Aranama College;

A bill to amend the 31st and 64th sections of an act to organize justices' courts, and to define the powers and jurisdiction of the same, approved March 20th, 1848; and

A bill to amend the 22d section of an act to regulate railroad companies, approved February 7th, 1853.

Mr. Newman introduced a bill to change the name of William Larkin to William Larkin Case, and declaring him heir-at-law of Daniel M. Case and Permelia Case; read first time.

Mr. Pedigo offered the following resolution:

Resolved, That the committee on the Judiciary be instructed to inquire into the propriety of so amending the law creating county courts, and defining the powers and jurisdiction of the same, approved 13th May, 1846, as to require the chief justice of each county, before he enters upon the discharge of the duties of his office, to enter into bond with good and sufficient sureties, in a sufficient penalty, upon which bond any heir, distributee, legatee, minor or ward, may institute suit, and recover such amount as he may have lost by reason of the gross negligence of any chief justice in approving any insolvent or insufficient bond from any administrator, executor or guardian; adopted.

ORDERS OF THE DAY.

A bill to fix and establish the per diem and mileage pay of members of the Legislature of Texas, with amendment thereto offered by Mr. Durst; read.

Mr. Durst moved to lay the bill on the table; lost.

On motion of Mr. Durst, there was a call of the House, and the Sergeant-at-Arms despatched for absent members.

On motion of Mr. Keenan, Mr. Lytle was excused from the call.

A bill to re-organize the Grayson, Cook and Denton county land districts; read third time.

Mr. Martin offered the following amendment:

Provided, That the said southern boundary of the Denton land district, shall not run south of the northern boundary of Robertson land district, or include any part of the original territory of Navarro and Tarrant counties.

On motion of Mr. Paschal, the bill and amendment were made the special order of the day for Wednesday the 14th inst.

A message from the House informed the Senate that the House had passed the following bills:

A bill authorizing the Commissioner of the General Land-office to appoint additional draughtsmen and assistant clerks to his department, and to fix the salaries of the Commissioner and all under his control;

A bill to incorporate Tyler University; and

A bill for the relief of the heirs of Thomas Scott, deceased.

Also, informing the Senate that the House had refused to con-

cur in the Senate's amendment to a bill to incorporate the Texas and Red River Telegraph Company.

On motion of Mr. Keenan, said bill was taken up.

Mr. Keenan moved that the Senate recede from their amendment to the bill; lost.

Mr. Jowers moved a reconsideration of said vote; lost.

A bill relating to surveys of land in certain cases; read third time and passed.

A bill to amend the 31st and 64th sections of an act to organize justices' courts, and define the powers and jurisdiction of the same, approved March 20th, 1848; read third time and passed.

On motion of Mr. Lott, a bill for the relief of Richard Fisher and John Fisher was taken from the table, and placed among the orders of the day.

All the Senators being in their seats, except those excused, the President declared the call of the house suspended.

On motion of Mr. Durst, a committee of three was appointed to wait upon absentees, and take their votes upon the bill to fix and establish the per diem and mileage pay of members of the Legislature of the State of Texas.

Messrs. Durst, Holland and Hart were appointed said committee.

The bill was passed over informally.

A bill to amend the 22d section of an act to regulate railroad companies, approved February 7th, 1853; read third time and passed.

A bill to incorporate the Aranama College; read third time, and the yeas and nays being called, passed unanimously.

A bill to provide for partial disposition of the alternate sections of land reserved by the State in an act to provide for the construction of the Pacific Railroad; read second time, and, on motion of Mr. Kyle, referred to the committee on Private Land Claims.

A bill to relinquish to the inhabitants of Ysleta, in El Paso county, a certain tract of land adjoining the town tract, now held and owned by said inhabitants.

And a bill for the relief of the inhabitants of the town of Ysleta, in the county of El Paso; each read second time, and ordered to be engrossed.

A bill to incorporate the McKenzie Institute in Red River county; read second time, and, on motion of Mr. Burks, referred to the committee on Education.

A bill to define the Lamar county Land district; read second

time, and, on motion of Mr. Whitaker, referred to the committee on Public Lands.

A bill concerning the Alabama Indians; read second time, and, on motion of Mr. Kyle, referred to the committee on Indian Affairs.

A bill to amend an act to organize county courts, approved March 16th, 1848; read.

Mr. Keenan offered the following amendment:

Strike out, "and shall not be paid for any special term;" rejected, and bill ordered to be engrossed.

A bill requiring the counties of Kaufman, Van Zandt and Wood to pay a portion of the old debt of the county of Henderson, with the report of the committee on Counties and County Boundaries, who ask to be discharged from the further consideration of the same; read, and report adopted.

On motion of Mr. Martin, the bill was re-committed to a special committee.

Messrs. Martin, Scarborough, Keenan, Kyle, Gage, Newman and Lott, were appointed said committee.

A bill to incorporate Miami's Bluff Turnpike Company; read second time, and, on motion of Mr. Gage, referred to the committee on Roads, Bridges and Ferries.

On motion of Mr. Allen, a bill for the relief of Larkin Adamson was taken from the table and placed among the orders of the day.

A bill to reduce into one the several acts granting to actual settlers on vacant public domain pre-emption privileges, with the report of the select committee recommending a substitute therefor; read, and substitute adopted by the following vote:

YEAS—Messrs. Allen, Armstrong, Bryan, Burks, Doane, Edwards, Gage, Guinn, Hart, Keenan, Kyle, Lott, Martin, Millican, Newman, Scott, Superviele, Taylor, Weatherford, Whitaker and Wren—21.

NAYS—Messrs. McAnelly, Paschal and Scarborough—3.

Mr. Kyle moved that the bill be made the special order of the day for Monday, the 12th inst.; lost.

Mr. Keenan offered the following amendment:

Provided, That the benefits of this act shall not extend to those who have heretofore received donations of land from the Republic or State of Texas; rejected by the following vote:

YEAS—Messrs. Bryan, Edwards, Keenan, Millican, Paschal and Superviele—6.

NAYS—Messrs. Allen, Armstrong, Burks, Doane, Gage, Guinn.

Hart, Kyle, Lott, Martin, McAnelly, Newman, Potter, Scarborough, Scott, Taylor, Weatherford, Whitaker and Wren—19.

Mr. Gage moved to make the bill the special order of the day for to-morrow morning 11 o'clock; lost.

Mr. Holland offered the following amendment:

Strike out the caption, and insert: "An act donating to actual settlers one hundred and sixty acres of land;" adopted.

On motion of Mr. Kyle, the Senate adjourned until Monday morning at 9 o'clock.

MONDAY, December 12, 1853.

Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of Friday last was read and adopted.

Mr. Scott presented the memorial of sundry citizens of Harrison county, asking the passage of a law prohibiting the traffic and public use of intoxicating liquors within five miles of the court-house of the town of Marshall; read and referred to the committee on State Affairs.

Mr. Guinn, from the committee on Engrossed Bills, reported the followig bills correctly engrossed:

A bill supplementary to an act entitled an act to establish the New Orleans, Texas and Pacific Railroad company, for the extension of the New Orleans, Algiers and Opelousas railway through Texas, approved February 16, 1852;

A bill to be entitled an act to establish the Christian Sabbath, and to prevent vice and immorality on the same;

A bill to be entitled an act to relinquish to the inhabitants of Ysleta, in El Paso county, a certain tract of land adjoining the town tract now held and owned by said inhabitants;

A bill to amend an act to organize county courts, approved March 16, 1848; and

A bill to be entitled an act for the relief of the inhabitants of the town of Ysleta, in the county of El Paso.

Mr. Potter, chairman of the committee on the Judiciary, to whom was referred a bill concerning writs of error, reported the same back to the Senate with the subjoined amendment, and recommended its adoption and the passage of the bill:

In section 9, line 10, after the word "shall," strike out the remainder of the section and insert, "in all respects comply with the judgment or decree of the Supreme Court upon such writ, and well and truly pay all such damages as may be awarded